

Appl. No. 10/605,880
Amtd. dated August 29, 2005
Reply to Office Action of February 28, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application is respectfully requested. Claims 21-26 and 40-59 have previously been canceled in response to restriction requirement. Claims 6, 18, 28, and 31 have previously been withdrawn from consideration in response to a species election requirement. Claims 1, 4, 9, 10, 16, 27 and 35 have been amended herein, and claims 60-85 have been added. Thus, claims 1-5, 7-17, 19, 27, 29, 30, 32-39, and 60-85 are presently pending for consideration. Claims 1, 4, 10, 16, 27, 35, 60, and 84 are independent.

In the Office Action dated February 28, 2005, claims 4, 5, 7, 16, 17, 19 and 35 are objected to as being dependent upon a rejected base claim but indicated as allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As suggested in the Action, claims 4, 16 and 35 have been rewritten in independent form and should therefore be in condition for allowance. Claims 5 and 7 depend directly or indirectly from claim 4, and claims 17 and 19 depends directly or indirectly from claim 16. Accordingly, dependent claims 5, 7, 17 and 19 should also be in condition for allowance.

In the Office Action, claim 9 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, claim 9 has been rejected for its recitation of an intercooler "positioned downstream of said supercharger and upstream of said engine." Claim 9 has been amended to remove this limitation and presently recites the air induction system including an intercooler "fluidly coupled between the supercharger and engine and operable to cool the compressed induction fluid." Applicants submits that the specification describes the

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subject matter of claim 9. For example, the specification provides: "In one manner known in the art, the intercooler 74 cools the compressed induction fluid prior to discharging the air into the manifold 48." (Specification, Para. 39). Therefore, Applicants respectfully submit that this rejection has been traversed and request that it be withdrawn.

In the Office Action, claims 1, 3, 8, 10-15, 20, 27, 29, 30, 32, 33, 34, 36, 37, and 38 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,263,463 to Perry (the "Perry '463 patent"). Claims 2, 9, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Perry '463 patent in view of Applicant's Admitted Prior Art (APA). However, Applicants respectfully submit that none of the prior art references of record, when considered singly or in combination, show or suggest the use of the structure recited in the claims.

New independent claim 60 recites a supercharged motorcycle including a front wheel and a rear wheel longitudinally spaced from the front wheel. The motorcycle further includes an engine including a rotatable crankshaft and an air intake. The engine presents opposite left and right sides corresponding to sides of the motorcycle. The motorcycle also includes an air induction system operable to deliver compressed induction fluid to the air intake. The air induction system includes a supercharger adjacent one of the sides of the engine and a drive assembly drivingly connecting the supercharger relative to the crankshaft. The air induction system further includes an intake fluid line connected between the supercharger and the air intake. The intake fluid line projects forwardly from the supercharger and extends forwardly of the engine and across the front of the engine to the engine

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side opposite the supercharger for transferring the compressed induction fluid from the supercharger to the air intake.

The structure recited in claim 60 enables a supercharged motorcycle with several advantages. For example, one advantage is the ability of the air induction system to cool the intake air. By projecting forwardly from the supercharger and extending across the front of the engine, the intake fluid line is exposed to the oncoming air stream as the motorcycle moves forward. The external air flow serves to cool the heated fluid within the intake fluid line. Another advantage of the recited structure is to permit a supercharger to be mounted adjacent one of the sides of the engine corresponding with one of the sides of the motorcycle. This enables the intake fluid line to extend across the front of the engine for cooling purposes. Additionally, the supercharger position enables an intercooler to be advantageously positioned in front of the engine.

Independent claims 1 and 27 are similar to claim 60 in many respects. Claim 1 further recites the supercharger as being longitudinally spaced forward of the crankshaft to define a fore area therebetween with the drive assembly spanning the fore area. Claim 27 further recites a drive train drivingly interconnecting the crankshaft and the rear wheel and including a rotatable driven element longitudinally spaced from the crankshaft and an endless element drivingly interconnecting the crankshaft and the driven element. Claim 27 also recites the drive assembly drivingly interconnecting the drive train and the supercharger and including an indirect power take-off component drivingly engaging one of the driven and endless elements. Notwithstanding these and other differences between claim 60 and claims 1 and 27, the supercharged motorcycle recited

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in claims 1 and 27 provides generally the same advantages provided by the supercharged motorcycle recited in claim 60, as well as other advantages.

Turning now to the prior art references of record, the Perry '463 patent discloses a motorcycle supercharger apparatus including a blower 15 installed on motorcycle 10 adjacent the side of engine 12. As shown in FIGS. 7 and 8, an air intake manifold 14 extends from the blower 15 along the side of engine 12 upwardly and inwardly to a V-shaped region between the cylinder blocks. In the embodiment of FIGS. 20 and 21, the manifold 14 is depicted as extending along the side of the motorcycle 10.

The Perry '463 patent fails to show or suggest the use of structure recited in independent claims 1, 27, and 60. For example, the Perry '463 patent fails to show or suggest an intake fluid line projecting forwardly from the supercharger and extending across the front of the engine for transferring the compressed induction fluid from the supercharger to the air intake. Instead, the Perry '463 patent shows an intake manifold extending above the engine, as in FIGS. 7 and 8, and extending along a side of the motorcycle, as in FIGS. 20 and 21.

Turning back to the independent claims, independent claim 10 recites a motorcycle for mounted operation by a rider, wherein the motorcycle is retrofit with an aftermarket supercharging system. The motorcycle includes a chassis operable to be mounted by the rider in a normal operating position. The chassis includes a front wheel, a rear wheel longitudinally spaced from the front wheel, a frame supported between the wheels, a gas tank spaced between the wheels, a seat positioned aft of the gas tank and configured to support the rider in the normal operating

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position, and a pair of foot supports spaced on either side of the frame and positioned generally below the gas tank and the seat. The motorcycle further includes an engine including a rotatable crankshaft generally positioned between said wheels. The chassis and engine cooperate to define a pair of original leg-receiving areas spaced on either side of the chassis and each being operable to receive a corresponding leg of the rider when the rider is mounted on the seat in the normal operating position. Each of the foot supports presents an innermost edge cooperating with a chassis contact point to define a fore-and-aft extending plane. Each of the original leg-receiving areas are generally defined by a curvilinear leg path projecting along the corresponding plane and extending between the seat and a respective one of the foot supports, wherein each leg path mimics the corresponding rider's leg when the rider is mounted on the seat in the normal operating position. The motorcycle further includes an air induction system operable to deliver compressed induction fluid to the engine and including a supercharger and a drive assembly drivingly connecting the supercharger relative to the engine to supply power from the engine to the supercharger. The entire air induction system is positioned outside of the original leg-receiving areas with at least a portion of the air induction system extending between said leg paths. At least a portion of the supercharger is spaced laterally outward from the respective plane and forward of the leg-receiving area so the at least a portion of the supercharger is in front of the leg-receiving area.

The structure recited in claim 10 enables a motorcycle with several advantages. For example, one advantage is that the original leg-receiving area of the original equipment motorcycle is not obstructed by the installed air induction system.

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Turning again to the prior art references of record, the Perry '463 patent also fails to show or suggest the use of structure recited in independent claim 10. For example, the Perry '463 patent fails to show or suggest a motorcycle including original leg-receiving areas that are defined by leg paths that project along a plane, wherein the plane is defined cooperatively by an innermost edge of the foot support and a chassis contact point. Moreover, the blower 15 shown in the Perry '463 patent is located entirely inboard of the leg path. That is, the Perry '463 patent fails to show or suggest at least a portion of the supercharger being spaced laterally outward of the plane so that the at least a portion is in front of the leg-receiving area, as recited in amended claim 10.

Independent claim 84 is similar to claim 10 in many respects and provides generally the same advantages provided by the motorcycle recited in claim 10, as well as other advantages. However, claim 84 does not recite the plane defined cooperatively by the innermost edge of the foot support and chassis contact point. Instead, claim 84 recites the air induction system as being an aftermarket system retrofit on the motorcycle so as to avoid interfering with the original leg-receiving areas that are defined before installation of the induction system.

The Perry '463 patent fails to show or suggest the structure recited in new claim 84. Particularly, the Perry '463 patent depicts a rider leg 53 spaced adjacently to a blower 15 on a motorcycle. Although the Perry '463 patent does not disclose the original leg-receiving area of the motorcycle, Applicant respectfully submits that the induction system interferes with the rider's leg positions as defined by the original motorcycle equipment. Particularly, the schematic depiction of the rider leg 53 relative to the blower 15 in FIG. 7 does not show or suggest that an original leg-

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receiving area has been preserved in the vicinity of the blower 15 and the associated drive equipment. To the contrary, Applicants submit that the side cover plate 52 shown in FIG. 7 would necessarily result in a modification of the original leg-receiving area in order to accommodate the blower 15 and accompanying drive components depicted in FIG. 7. In viewing FIG. 7, it is clear that the supercharger is located immediately inboard of the leg-receiving area, which necessitates modification of the rider's leg position. Even if the Perry '463 patent is combined with any of the other references of record, such a hypothetical combination also fails to arrive at the claimed invention.

The remaining references of record, when considered singly or in combination with any of the other references, also fail to disclose or suggest the use of structure recited in the independent claims.

In view of the foregoing, Applicant submits that independent claims 1, 4, 10, 16, 27, 35, 60, and 84 recite structure not shown or suggested in the prior art references of record. The respective dependent claims (i.e., claims 2, 3, 5, 7-9, 11-15, 17, 19, 29, 30, 32-34, 36-39, 61-83, and 85) recite additional features of the invention not shown or suggested by the prior art.

Therefore, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge \$200.00 to the undersigned's Deposit Account No. 19-0522 for the independent claims added herein. A 3-month Petition for

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Extension of Time accompanies this Amendment, along with authorization to charge \$510.00 to the undersigned's Deposit Account for the petition fee set forth in 37 C.F.R. § 1.17(a). The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to said Deposit Account.

Respectfully submitted,

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